

**REMARKS****1. Claim Amendments.**

The claims have been reviewed and amended for clarity so as to address the examiner's previous concerns under 35 USC 112 and Applicant requests that the examiner withdraw the objection to claims based on 35 USC 112.

Claim 1 has been amended by reordering the steps into a more logical order and by adding some clarifying language so as to make the claim more readable. Claim 1 also has been amended to include process steps for the film reel and the material reel. All of the changes are supported by the Specification as originally filed and no new matter has been entered.

Claim 6 has similarly been amended by reordering the elements into a more logical arrangement and by adding some clarifying language so as to make the claim more readable. Claim 6 also has been amended to include the film reel and the material reel elements. All of the changes are supported by the Specification as originally filed and no new matter has been entered.

Claims 21 and 22 have been amended in a fashion similar to Claims 1 and 6, respectively. All of the changes are supported by the Specification as originally filed and no new matter has been entered. Claims 21 and 22 also have been amended to include language that whereby the printing or markings (24) of the tear-open strips (12) are positioned in a precise position relative to the blank (11) to clarify that the process and apparatus are used to position the tear-off strips in a specific location on the blank. Support for this change can be found on page 5, line 14 through page 6, line 21 of the Specification as originally filed and no new matter has been entered.

New Claim 23 has been added and is crafted from the elements of Claim 3 deleted from Claim 3 in this preliminary amendment. No new matter has been added.

**2. Reinstatement of Withdrawn Claims.**

Applicant submits that Claims 1, 6, 21, and 22 are allowable and generic and that the previously withdrawn claims should be reinstated. Specifically, under 37 CFR 1.142(b):

Claims to the invention or inventions not elected, if not canceled, are nevertheless withdrawn from further consideration by the examiner by the election, subject however to reinstatement in the event the requirement for restriction is withdrawn or overruled.

Specifically, previously withdrawn Claims 2, 3, 7-11, and 16-19 have been amended to be of more proper form for dependency from independent Claims 1 or 6. It is Applicant's intention to have clarified these claims to more clearly disclose and claim those additional features already contained in these claims as originally filed. No new matter has been added.

Further, should Claims 21 and 22 be deemed allowable, Applicant reserves the right to add new dependent claims that depend from Claims 21 and 21 that are based on original Claims 2-5 and 7-20, respectively.

### **3. Explanation of the Invention Relative to the Current State of the Art.**

The present invention relates to a process and apparatus for producing outer wrappers for items such as cigarette packs. The outer wrapper typically consists of a transparent film that is processed in a packaging machine as a continuous film web. A tear-open strip, which is later used to open the outer wrapper, is applied to the continuous film web during the blank production process for the outer wrapper. This generally is known in the art.

A unique feature of the present invention is that the tear-open strip comprises printing or markings. The printing or markings can take the form of decorative elements, written notices, informative text, printing marks, colored highlights, colored grip ends, or the like. This printing or markings are applied to the tear-open strip at some prior time. During the production of the outer wrapper, the film web for forming the base of the outer wrapper is drawn from a first reel and the material strip for producing the tear-open strip and having the appropriate and desired printing material is drawn from a second reel. Both materials are provided independently of each other and the material strip is applied to the continuous film web. Then, individual outer wrapper blanks with tear-open strips are severed from the film web. The blanks comprise a

portion of the film web with a portion of the material strip applied thereto as the tear-open strip.

One problem addressed by the present invention is a way to ensure that the printing or markings on the tear-off strip is located at a predetermined specific position within the outer wrapper when the outer wrapper is applied to the pack. For example, it may be desired to position text information proximal to the pack's front side to gain the immediate attention of the consumer. In another example, it may be desired to position the tear-strip grip tab proximal to the narrow side surface or the edge of the pack.

To solve this problem, the present invention uses a printed-mark reader that senses (detects) the printing or markings on the tear-off strip. This information (that is, the detecting of the printing or markings) is evaluated and used to position the tear-off strip correctly on the film web, thus ensuring the desired positioning of the printing on the outer wrapper. For example, as shown in FIG. 2, the severing of the blanks after the material strip for the tear-off strip has been applied to the film web is controlled in accordance with the sensed printing on the tear-off strip. In this way, the blanks are severed such that the printing or markings on the tear-open strip are located at a certain position relative to the blank.

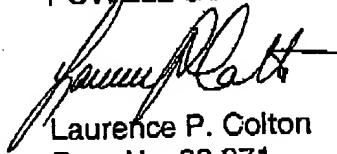
**CONCLUSION**

Applicant submits that the claims are in condition for allowance, and Applicant respectfully requests such action.

Applicant further requests that the examiner reinstate Claims 2, 3, 7-11 and 16-20 as Claims 1 and 6 are generic regarding at least having tear-open strips that comprise printing or markings for the purpose of controlling the relative position of the tear-open strip and its printing on an outer wrapper blank to cover packs.

If the examiner has any final concerns that can be addressed over the telephone, the examiner is invited to contact the below-signed attorney of record.

Respectfully submitted,  
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